

WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

MINUTES

November 4, 2019

Council Chamber, 8th Floor

CONVENE: 1:31 p.m.

PRESENT: Councilmember Alice L. Lee, Chair
Councilmember Tamara Paltin, Vice-Chair
Councilmember Tasha Kama
Councilmember Michael J. Molina
Councilmember Keani N.W. Rawlins-Fernandez
Councilmember Shane M. Sinenci (out 2:48 p.m.)

EXCUSED: Councilmember Riki Hokama

STAFF: Wesley Crile, Legislative Analyst
Rayna Yap, Committee Secretary
Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

Dianne Shimizu, Executive Assistant to Councilmember Alice L. Lee
Don Atay, Executive Assistant to Councilmember Shane M. Sinenci

ADMIN.: Jeffrey Pearson, Director, Department of Water Supply
Helene Kau, Deputy Director, Department of Water Supply
Robert DeRobles, Planner VI, Department of Water Supply
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR LEE: . . .*(gavel)*. . . Alright. If you are traveling in Kenya—that's near Africa, not Molokai but Africa—and you want to pretend like you know the language, you greet everybody by saying shikamo, shikamo; that's for Kenya. So, may I introduce the Members of the Water and Infrastructure Committee. This is our meeting today of Monday, November 4th. It is 1:32, and we shall have...begin the meeting. But first I would like to ask silence all cell phones and other noise-making devices. I'd like to introduce to you our Vice-Chair Tamara Paltin.

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VICE-CHAIR PALTIN: Good afternoon, Chair, as they say in the Continental U.S.

CHAIR LEE: Very good. I think I've heard that before. And Member Tasha Kama.

COUNCILMEMBER KAMA: Guten tag.

CHAIR LEE: And what is that?

COUNCILMEMBER KAMA: Good day in German.

CHAIR LEE: Oh, okay. Very good. And then we have all the way from Hana, which is further than Germany, Shane Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Kia ora, from Aotearoa.

CHAIR LEE: Wow. Wow, okay. We're learning so much today. And last but certainly never least, from Upcountry, Makawao, Michael Molina.

COUNCILMEMBER MOLINA: Good afternoon, Madam Chair. And may I say that I'm honored to be in your presence and to take part of your proceedings here today.

CHAIR LEE: I just love when he embellishes like that and makes up stories. Thank you, Mr. Molina, I appreciate that. And we have other guests here today. Oh, I have to mention, two people who are not with us, Member Kelly King and Member Yuki Lei Sugimura. They are actually excused because and we haven't officially adopted the word "absent" so for now they are excused, or missing in action, whatever you want to call it. And then joining us today all the way from the island of Molokai and our Council Vice-Chair, we have here Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm no longer missing in action.

CHAIR LEE: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha auinala, Chair.

CHAIR LEE: Thank you. And as far as our staff, Wesley Crile . . . is it Crile or Creel?

MR. CRILE: Crile

CHAIR LEE: Crile. I know every meeting I keep changing the pronunciation. Okay.

MR. CRILE: We'll get it right one of these days.

CHAIR LEE: Okay. Well, you know, why don't you change your name? Okay. Wesley Crile is our Legislative Analyst, and Rayna Yap, our Committee Secretary.

MS. YAP: Good afternoon.

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CHAIR LEE: Okay. Very good. From the Department of Water Supply, our Director Jeff Pearson. Hi. And then Deputy Director Helene Kau out there in the audience. And then we have Jennifer Oana, Deputy Corporation Counsel.

MS. OANA: Good afternoon.

CHAIR LEE: Hi. Alright. Now we are about to begin our meeting. And let's not take too much time, everybody, with long questions, okay; because Member Sinenci has to leave at three o'clock. Okay. Alright.

COUNCILMEMBER MOLINA: No objections.

CHAIR LEE: No objections, okay. You can leave at three o'clock. Okay. I don't see anybody here to testify, so we'll skip that. Do we have anybody in our outer offices available to testify? Hello?

MR. CRILE: Hello, any testifiers?

CHAIR LEE: Okay. They went home, too.

MS. OLIVEIRA-MEDEIROS: No one in Hana.

CHAIR LEE: Oh, thank you.

MS. FERNANDEZ: There are no testifiers at the Lanai Office.

CHAIR LEE: Thank you. I think Molokai sends in an e-mail.

MR. CRILE: Yeah.

CHAIR LEE: Yeah?

MR. CRILE: They had none as well.

CHAIR LEE: Alright. Thank you, everybody. Now we're ready to begin. Since there's nobody here to testify, any objections to closing public testimony?

COUNCILMEMBERS: No objections.

CHAIR LEE: Okay. Very good.

ITEM WAI-58: INTERGOVERNMENTAL AGREEMENT WITH CITY AND COUNTY OF HONOLULU, HONOLULU BOARD OF WATER SUPPLY; THE COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY; AND THE COUNTY

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OF KAUAI, DEPARTMENT OF WATER SUPPLY FOR MUTUAL AID AND ASSISTANCE DURING EMERGENCIES (CC 19-423)

CHAIR LEE: First item on today's agenda is WAI-58, and Rayna's passing out a copy of the presentation we are going . . . no?

MR. CRILE: That's for the next one.

CHAIR LEE: Oh, this is the next one?

MR. CRILE: Yeah.

CHAIR LEE: This is the next one. Okay. I am going to change your name. Okay. This one is 56 [sic], Intergovernmental Agreement with the City and County of Honolulu, Honolulu Board of Water Supply; the County of Hawaii, Department of Water Supply; and the County of Kauai, Department of Water Supply for Mutual Aid and Assistance During Emergencies. Okay. This bill authorizes the Mayor to enter into this agreement with the other counties to allow the County of Maui to participate with Hawaii Water Utility Members throughout the state to provide assistance to one another during emergencies. Emergency assistance may include sharing resources including personnel, equipment, and supplies. The agreement has the potential to place a financial obligation on the County. Mr. Pearson, do you have any comments on the bill?

MR. PEARSON: Thank you, Chair Lee. Good afternoon, Committee Members. As the way the Chair summarized the bill, I don't really have to say much. But I'm going to just read the purpose, which is in the agreement, to describe and pretty much paraphrase what Chair just spoke. Recognizing that emergencies may require aid or assistance in the form of personnel, equipment, and supplies from outside the area of impact. The signatory utilities hereby establish a Hawaii Water Agency Response Network, HIWARN, Intrastate Program for Mutual Aid and Assistance. Through the Mutual Aid and Assistance Program, members coordinate response activities and share resources during emergencies. This agreement sets forth the procedures and standards for the administration of the HIWARN Mutual Aid and Assistance Program. So, this has been going on for a while, and in the past the County, Maui County, did not participate in this agreement. At the advice of Corp. Counsel there were some issues in there that put us at a little bit of risk. If we need a little bit more detail, I'm sure Jen Oana can provide that. But I worked with Corp. Counsel to remove . . . it was just a sentence or two, to remove the perceived risk that the County of Maui had. And so, we move forward with this agreement. We've been meeting by e-mail and phone calls and during the . . . there was a HWWA conference on Oahu in October and all four of the utilities met to discuss this further. What you don't see here is bylaws, so there's more than just this agreement. Bylaws are going to be revised and of course go through Corp. Counsel also. The date of the existing bylaws are like 2012, so they're going to be worked on and just cleaned up a little bit. And hopefully we never use this, this is of course only for emergencies where we need to share equipment or personnel to address the emergency. So, hopefully you'll never see it again and we'll

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never have any issues but if some tragic event takes place then of course we'll have to initiate this agreement if needed. Thank you, Chair.

CHAIR LEE: Are there any questions? Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. So, a question for the Director, who initiates the request?

MR. PEARSON: It would be the . . . oh, excuse me.

CHAIR LEE: Go ahead.

MR. PEARSON: It would be the utility where the catastrophe has taken place of course. If we get hit and we miss Kauai, I mean the storm misses Kauai and the Big Island and so forth. Then we would evaluate where we are and if we do, we may not even need additional assistance or additional personnel. So, then we wouldn't have to initiate anything in this agreement depending on the severity of the impact.

COUNCILMEMBER SINENCI: Thank you, Chair. And one more for Ms. Oana, what were some of the, I guess the sentences that was taken out from . . .

MS. OANA: So, in Article 9, I believe that's where it is. The indemnification provision was a little problematic for us. And so, it took some time to iron that out and be okay with that paragraph. And in the past the other counties, I guess they didn't have the concerns we did, and they went forward, and they signed off without us signed off.

COUNCILMEMBER SINENCI: Okay. Thank you, Chair.

CHAIR LEE: Ms. Paltin and then Mr. Molina.

VICE-CHAIR PALTIN: Thank you, Chair. I just had a question in the scenario where a storm traveled up the entire island chain and every county were affected. Is there a threshold of where the aid would go, like do we keep so much back even if the impacts of the storm here are not so bad and they might be, say, life threatening in another county jurisdiction, how do you . . . what is the criteria by which we're going to be sending and we're going to be keeping resources?

MR. PEARSON: I don't think that . . . the HIWARN agreement doesn't go into that specific detail so it would be at the discretion of, I guess the Director in this case of each island. You know if we need our people here obviously we're not going to send them off to another island where we need the help, so. I guess it's somewhat discretionary at the time of the impact between the different utilities.

VICE-CHAIR PALTIN: And then if additional, like at the time when they're sent, there's no emergency here but another storm comes and then they would be recalled on the discretion of the Director as well?

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MR. PEARSON: Of course, if we need them here, we're getting them back here. Yeah, yeah.

VICE-CHAIR PALTIN: Thank you.

CHAIR LEE: Member Tasha Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, what would a potential . . . what would a potential need for this task force be activated, I mean what would that take I mean?

MR. PEARSON: . . .*(inaudible)*. . .

CHAIR LEE: Can you give us an example?

MR. PEARSON: Yeah. Hurricane Iniki I think would be the simplest example. It, you know, it wiped out Kauai and they did ask for assistance. I don't know the specifics of what Maui provided but I know there was assistance from everywhere because it's obvious you're going to, you know, help out your neighbor. What this does is kind of gives a better definition if they ask us for equipment let's say, the equipment will be defined, you know, whatever a Hopto is, whatever a generator is, whatever it is. So, when we send whatever piece of equipment it'll be a defined piece of equipment so we can say you pay us this amount because we sent you this equipment or you pay us this amount because we sent you a Pipefitter II. So, that kind of makes the support a little more defined to work together better I guess I could say.

CHAIR LEE: Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. A question for Ms. Oana, and maybe Director Pearson can chime in. Looking at the second page of the resolution, Section 2 under authorization, says the Council of the County of Maui hereby authorizes the Mayor or his authorized representative to execute the agreement, all other necessary documents relating to the agreement and any amendments thereto. The Section 2 before that mentions the Mayor cannot enter it . . . do any amendments that would put the County under financial obligation. So, the question is what type of amendments is the Mayor allowed to make without Council review in a situation like this, with this water agreement between our County and the other counties?

MS. OANA: Well, so that paragraph that starts with Section 2.20.02 that's the Maui County Code section that says the Mayor can't enter into an intergovernmental agreement or amendment unless the Council gives authority. So, the Section 2 authorization is basically saying that the Council does authorize the Mayor to enter into the agreement and any amendments thereto. So, you can limit that and say that the Water Department has to come back if there's any amendments if you want.

COUNCILMEMBER MOLINA: Okay. So, is that built in or that would be something the Council would have to add wording into this resolution . . .

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MS. OANA: I think the Council, or this body wants you can just strike out that comma and any amendments thereto.

COUNCILMEMBER MOLINA: Alright. Thank you. Thank you, Madam Chair.

CHAIR LEE: Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So . . . aloha, Director Pearson. Nice to see you. Would, under this agreement, would the Water Director have the power to initiate the agreement, and would you need the approval of the Mayor?

MR. PEARSON: Approval of the what?

MS. OANA: Mayor.

MR. PEARSON: Especially with catastrophic issues I wouldn't be doing things unless the Mayor knew I was doing them. So, I don't . . . even if it's not in black and white here I would get permission from the Mayor before I would act on something of this nature.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo. The reason I ask is there's another situation with the Police Department sending over officers to Hawaii County. And I guess he has the power to not get the Mayor's approval and send officers without . . . even if the Mayor disapproved. So, that was the reason for the question. And so, it says . . . so this would be enacted during an emergency. Who determines if it's an emergency?

MR. PEARSON: Well, again, that's kind of what we talked about. If Maui County is bashed and the facilities that we have and the personnel that we have available on Maui to address the emergency is not enough that would be the Director that would determine that. And then I would speak with the other directors to determine what assistance could be provide and how. So, I guess the answer to that question is the Director.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Our Director, you.

MR. PEARSON: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay, and then the county requesting assistance, they would be responsible for any reimbursements?

MR. PEARSON: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And if there's a dispute over a reimbursement amount what kind of . . .

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

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COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. There's a section that outlines disputes. Oh. I think that was Section 8, yeah? Yeah. Okay I saw that. Okay, and last question. For the . . . so, when the emergency happens then would Council be notified or there wouldn't be any kind of request from Council, this would just all be the Administration's call?

MR. PEARSON: Yeah, I would . . . yeah, I don't see why Council would need to be bothered, it would be the responsibility of the Director. And of course, you will know if there's an emergency out there, but I mean we wouldn't necessarily notify the Council that we're going to provide assistance. But we can, I mean we're transparent so that doesn't matter.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay, that's all the questions I have for now. Mahalo. Mahalo, Chair.

CHAIR LEE: Wait. Did you say that you have more questions?

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR LEE: Well, if not, Ms. Kama?

COUNCILMEMBER KAMA: Thank you, Chair. So, in this potential scenario what is the role of the Emergency Management? If . . . in terms of who determines if it's an emergency and who makes the call? So, what is their role?

MR. PEARSON: Good question. They're overall, so they, you know, they look at Public Works side, they look at the housing side, they look at the safety side, the housing of the, temporary housing for people in, displaced. They look at the whole thing and I've only had a little experience to spend time there when there's an emergency with a fire. But they just go around the rooms, "What do you have Public Works? What do you have Highways? What do you have Police? What do you have Fire?" So, that . . . they would still do their thing. And of course, they would be aware also if we're going to be requesting additional support. So, they're . . . I'm not, we're not taking their role away at all. This is just in the case that Department of Water Supply needs additional support outer island.

COUNCILMEMBER KAMA: Oh. Thank you. Got it.

CHAIR LEE: Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just one more question for the Director. So, has there been any other precedence that's been set by the other counties? For instance, if Kauai had an emergency, has the other council's . . . counties come to their aid, if you know of any that's happened prior?

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MR. PEARSON: That's a great question. I don't know of any. I haven't worked on this very long. I think, well with us in the past we've actually just acted without any agreement, like supporting Kauai when that took place. But I don't . . . sorry I can't answer that.

COUNCILMEMBER SINENCI: In what capacity did we aid Kauai?

MR. PEARSON: I don't know the specifics, but I know they got support from all the islands when they were devastated. So, I don't know exactly the specifics.

CHAIR LEE: Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. You know dovetailing of what Member Rawlins-Fernandez had brought up about the police, paralleling the support for police help with the Big Island and Maui providing support. In the event we have to provide support or we're asked to provide support to one of our sister counties, like the police matter would our County assume the overtime costs for our employees going over to whatever/whichever county to provide support? Is that the same situation like that of the police with this agreement?

MR. PEARSON: The responding member shall be reimbursed by the requesting member. That's a short answer to your question in the agreement.

COUNCILMEMBER MOLINA: Okay.

MR. PEARSON: So, in other words if it was an issue on Big Island and they asked for our assistance they would reimburse Maui for the overtime or whatever work was provided.

COUNCILMEMBER MOLINA: Okay. That is . . . that is the agreement. Is it memorialized somewhere in the resolution? Oh, it is in there. Okay. So . . .

MR. PEARSON: Article 7 Cost Reimbursement --

COUNCILMEMBER MOLINA: Okay.

MR. PEARSON: --Page 4.

COUNCILMEMBER MOLINA: Okay. Okay, I just wanted to . . . cause I know that was an issue. So, alright. Thank you.

CHAIR LEE: Member Rawlins-Fernandez, did you have another question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I kind of want to dovetail off of Member Molina's question. So, I understand . . . it's my understanding that with the Police Department we were reimbursed for overtime but not regular time. Would our personnel be reimbursed for regular time and overtime?

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CHAIR LEE: Director?

MR. PEARSON: I'm just trying to reread the Article 7, but it says for costs, including salaries or hourly wages, cost of fringe, and indirect cost . . . if we were asked to attend, we would be responsible for the workers' compensation coverage. That's it. That's it. Everything else would be reimbursed. Article 7.

COUNCILMEMBER RAWLINS-FERNANDEZ: Workers' compensation coverage? As in--

MR. PEARSON: Pardon me?

COUNCILMEMBER RAWLINS-FERNANDEZ: --insurance or . . . what do you mean? What do you mean the . . . yeah, okay. Okay. And does it also cover death and dismemberment?

MS. OANA: So, I think with regard to that question it comes under Article 9 with regards to the indemnification provision. To the extent permitted by law, the requesting member shall fully indemnify and hold harmless the responding member, its officers, and employees from all claims, loss, damage, injury and liability of every kind.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, meaning our County would be responsible for an employee if . . .

MS. OANA: If we're the ones asking.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, but if another county is asking for our assistance and . . .

MS. OANA: They indemnify us.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, if there's a lawsuit involved the requesting county would be responsible for that litigation?

MS. OANA: If someone's suing us because we're helping and then our employee does something. Someone sues us, the other county--

CHAIR LEE: Speak into the mic, please.

MS. OANA: --the requesting County has to indemnify us and hold us harmless.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So, but what if our employee dies or is dismembered? Who is responsible for that?

CHAIR LEE: The requesting member. Right, Corporation Counsel?

MS. OANA: Let me just read this.

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CHAIR LEE: Loss, damage, injury, liability of every kind, nature, and description, directly or indirectly arising from responding members' work. Yeah. They're responsible --

COUNCILMEMBER RAWLINS-FERNANDEZ: No, not us --

CHAIR LEE: --for us.

COUNCILMEMBER RAWLINS-FERNANDEZ: --the requesting county?

MS. OANA: The requesting members is responsible.

CHAIR LEE: Yeah.

MS. OANA: The requesting member.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. So, I guess it goes both ways. So, if another county's employee dies or is dismembered while helping our County then we're responsible for whatever costs associated with that. And if our employees go to another county that requesting county would be responsible for any costs related to our employee dying or being dismembered in another county.

MS. OANA: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

CHAIR LEE: Any other questions? Any other questions? Going, going, and gone. Okay. The motion, the Chair will entertain a motion to recommend that the proposed bill, A Bill--entitled--for an Ordinance Authorizing the Mayor of the County of Maui to Enter into an Intergovernmental Agreement with the City and County of Honolulu, Honolulu Board of Water Supply, the County of Hawaii, Department of Water Supply, and the County of Kauai, Department of Water Supply for Mutual Aid and Assistance During Emergencies (Hawaii Water Agency Response Network Interstate Program for Mutual Aid and Assistance) be passed on first reading and be ordered to print; and the communication be filed.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Been move by Ms. Kama, seconded by Mr. Molina to pass the motion, to pass the bill. Is there any discussion? Okay. Seeing no discussion, all those in favor of the motion say "aye."

COUNCILMEMBERS: Aye.

CHAIR LEE: Opposed nay. Motion carries. Thank you.

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VOTE: **AYES:** Chair Lee, Vice-Chair Paltin, and Councilmembers Kama, Molina, Rawlins-Fernandez, and Sinenci.

ABSTAIN: None.

EXC.: Councilmember Hokama.

ACTION: **Recommending FIRST READING of bill and FILING of communication.**

CHAIR LEE: Okay. The next item is WAI-17, the Status of Grants Under the Department of Water Use *[sic]* and Supply and Benchmarks for Grantee Performance. We have a new face in our Chambers, Mr. Robert DeRobles. He is the Planner for the Water Department. Incidentally, Members, I just want to say that he's actually coming in at the last minute, taking the place of, Eva Blumenstein, because she needed to have an operation. So, she'll be out for medical reasons for a while, so our Water Use and Development Plan is on hold for now. So, that is the reason why we asked for an update on the grants. And I know it's last minute but, Robert, you know, we would like you to be as descriptive as possible and not just say they're meeting their benchmarks. Okay? You got to tell us what that means and then go through the slides as efficiently as you can. Okay? You can start now.

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doing a lot more research like Auwahi and bio-economic models, the rest I'll explain carries out a vast number of tasks. Grant monitoring and performance evaluations, we go through a number of check lists of . . .

CHAIR LEE: Robert, are you going to tell us how much each one got?

MR. DEROBLES: Yes. Yes.

CHAIR LEE: Oh, okay.

MR. DEROBLES: It's coming up. So, we go through this grant standard, these are evaluation criteria you'll find as well. I printed out an RFP for you guys to review, but it's right here if you guys want it. But it basically outlines the evaluation criteria that we look into. It also contains all of the requirements for each applicant before they can submit a proposal. So, some of these standards and benchmarks we look into are administrative, deliverables, expenditures, the terms of agreement, and reporting. So, some of the benchmark and deliverables here, all of them really, are ungulate control, weed control, invasive plant control, revegetation/planting, resource monitoring/research, and community outreach. There are two grantees that we have that basically carry out mostly research and only carry out two, three, five, and six of these six tasks under deliverables. And those are HARC and MISC. Benchmarking expenditures, so we look at a number of things when they submit proposals. Every quarter they will submit reports that will detail their progress in these nine categories and detail the expenditures that they have. So FY '19 . . . so, Chair, did you want to know the amounts that they received for FY '19?

CHAIR LEE: Yes.

MR. DEROBLES: Okay. So FY '19, East Maui received 330,000; Waikamoi, they received, let's see here, 250,147; West Maui Mountains, 450,000; Auwahi Forest Restoration Partnership . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm sorry --

CHAIR LEE: Slow down. Slow down.

COUNCILMEMBER RAWLINS-FERNANDEZ: --on the next slide it lists . . . oh, okay so that's for FY '20.

MR. DEROBLES: Correct. So . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh. Okay.

MR. DEROBLES: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: No. Oh, so what you're telling us now is what was for last fiscal year --

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MR. DEROBLES: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: --and the next slide is for the current fiscal year?

MR. DEROBLES: Right. Just to be --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. DEROBLES: --clear we are at least a year, a year and a half in advance because we have to plan these proposals and make sure that they're routed --

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, Chair.

MR. DEROBLES: --and signed.

CHAIR LEE: Okay. The reason why I asked for the FY '19 grants is because the FY '20 grants they just got so there's not much to report on.

MR. DEROBLES: Right.

CHAIR LEE: So, there's much more information we can glean from FY '19. So, Robert, if you don't mind can you start all over on the FY '19 grants amounts?

MR. DEROBLES: Absolutely. I'll go a little bit slower.

CHAIR LEE: Yeah, okay.

MR. DEROBLES: East Maui Mountains, 330 K, if that's okay for me to say. Waikamoi, we're looking at 250,140 thousand [sic] . . . yeah, 147,000. West Maui Mountains, we're looking at 450,000. Auwahi Forest Restoration Partnership, we're looking at 60,000. Kapunakea, TNC, we're looking at 75,000. PKW, or Puu Kukui Watershed Partner, that's 285,000. East Molokai Watershed Partnership, 250,000. MISC, Maui Invasive Species Committee, that's 250,000. Leeward Haleakala, that received 190,000. And Koa or Hawaii Agriculture Research Center for wilt-resistant koa, they received 56,500. And bio-economic modeling, UH, they received 95186 thousand . . . I mean 95,186.

CHAIR LEE: Okay now, Robert, let's go through the first one. What did they do? And now you have information for the whole year, right, by now?

MR. DEROBLES: Yes, Ma'am. We are currently in quarter two of FY '19 so I can only report up to what's been accomplished for Fiscal Year '19.

CHAIR LEE: Okay. Wait, now quarter two when did they start? I mean didn't they start on July 1st?

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MR. DEROBLES: Yes, they started July 1st. We had some changes in the . . . well, maybe Jenn Oana could explain better but some of the changes we had in the contracting that we had to delay some of the contracting.

CHAIR LEE: So, it's like, if they're in quarter two and there's four quarters --

MR. DEROBLES: They're running . . .

CHAIR LEE: --they only received half of that 330,000?

MR. DEROBLES: Yes. We only pay upon --

CHAIR LEE: Reimbursement --

MR. DEROBLES: --a request for payment.

CHAIR LEE: --right?

MR. DEROBLES: Yes.

CHAIR LEE: So, and you're in quarter 2, so they only got half of the 330,000. So, what do they do for the 330,000?

COUNCILMEMBER KAMA: Or the 165.

MR. DEROBLES: Well, they're pretty much on hold until they secure all their funding, so the projects remain fluid. I know it's kind of strange to see them spending down so late but really, they have to just delay and hopefully they can leverage some additional funding they got from somewhere else to continue their projects.

CHAIR LEE: Okay. No, I would like to know is the description of their projects. Like what . . .

MR. DEROBLES: Oh, sure. So, I'll go over here to what, exactly what they do. I'm going to go back here. So, all of these projects . . . do you want to go through each one?

CHAIR LEE: Yeah.

MR. DEROBLES: Okay. So East Maui Watershed Partnership we're talking about the same deliverables of ungulate control, weed control, invasive plant control, revegetation and planting, resource monitoring and research, and community outreach. They conduct all of these tasks within their project and . . .

CHAIR LEE: Where? Where in East Maui?

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MR. DEROBLES: I don't have the mapping here, so it would be . . . I wish I would have had the mapping. I think I actually do, hold on. I have some of the mapping here. Alright, so you see there yellow, red, and green. Okay. Those are the watershed partnerships, alright. Okay so in green there, East Maui Mountain would be in like the north part of the green area.

CHAIR LEE: The north meaning what area?

MR. DEROBLES: So right above north . . . I don't . . .

CHAIR LEE: Like Hana, I mean where?

MR. DEROBLES: Yes, yes. Pretty much Waikamoi, Hana area, up in that area. So, we only look at maybe higher elevation watersheds, so to 2,000 to 3,000 feet.

CHAIR LEE: And how many people are in . . . are employed by this group?

MR. DEROBLES: I would think right now, because I don't have the organizational chart that's in the proposal, I would think about 1, 2, 3, 4, maybe about 10 to 15 at any giving time.

CHAIR LEE: Any more questions as we go along? Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I had a question, Robert, about your ungulate control. So, when you're talking about controlling the ungulate specifically in East Maui Watershed, are you having people go up there to . . . are you giving out hunting licenses for people to do that or are those people doing it themselves?

MR. DEROBLES: Well, just to be clear, I don't give permission for any of that. The partnerships have an existing watershed management plan that they have a cooperation, or a MOU, signed MOU between private landowners and the State, and they basically do, but it wouldn't be us. They do coordinate for hunting in certain places, yes.

COUNCILMEMBER SINENCI: So, they're actually doing like hunting trips like . . .

MR. DEROBLES: No. They don't do hunting trips like that. Only for specific deliverables for ungulate control. For public hunting that would have to be coordinated with the project coordinator and just to make sure that . . . I don't know exactly what they do to make sure that it's safe for people to come up there and be able to conduct hunting.

COUNCILMEMBER SINENCI: Do you know if they're doing hunting off of a helicopter?

MR. DEROBLES: They do but that's for specific deliverables in areas where it's really inaccessible for staff to either go to or some of these areas are in steep ravines and they use helicopters, yes, they do.

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COUNCILMEMBER SINENCI: And, Chair, the reason why my line of questioning is we do have a lot of practitioners that go up into the mountains to either gather and, you know, whether it's for hula, and so if . . . we just wanted to make sure that if EW [sic] Watershed Partnership is doing these types of activities, what kind of public outreach are there . . . either letting people know if they're doing these things. And that's just for safety reasons as far as and not just in my district but for all the districts.

CHAIR LEE: Director?

MR. PEARSON: If I may? My experience at the Department of Land and Natural Resources, they were doing some helicopter removal of ungulates and there was quite a detailed notification prior to them going up. So, I mean we can make a note of it but I'm sure or assuming pretty strongly that there's notification prior to the watershed partnerships doing this but, Robert, will follow up and ensure that that's the case.

COUNCILMEMBER SINENCI: Thank you, Director. And then these watershed, is that State properties? Most of this is all State lands?

MR. PEARSON: I wasn't referring to any helicopter shootings within the State, within Maui County but I just know from my experience with DLNR on Kauai, I'm sure and I think Big Island that this was State property that DLNR was trying to help manage ungulates. And they had a pretty strong program for the helicopter shootings.

COUNCILMEMBER SINENCI: And, but the majority of the watershed is on State property, correct?

MR. DEROBLES: The . . . you mean the ungulate control?

COUNCILMEMBER SINENCI: Just in general, the green section.

MR. DEROBLES: Oh, it's a mix. It really is a mix of State and private landowners, like on the east side there's a lot of . . . we actually value a lot of our partners because they have strong connections to the private landowners.

COUNCILMEMBER SINENCI: Okay.

MR. DEROBLES: Otherwise we wouldn't have access to.

COUNCILMEMBER SINENCI: And then we have those . . . I guess that data of --

MR. DEROBLES: Yes.

COUNCILMEMBER SINENCI: --from State to private properties?

MR. DEROBLES: Yes. We do.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair. I'll yield.

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CHAIR LEE: Yes, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I'll speak to the East Molokai Watershed Partnership as far as ungulate control. I meet with them regularly and they provide me updates especially on how they're using County funds. And for Molokai they do a good job at informing the community well in advance when there will be any kind of ungulate control via helicopter, and that's . . . it's rarely used but I understand that East Maui is having quite a situation on that side. But yeah, so you'll be happy to hear that your grantee on Molokai is doing a good job as far as keeping their Councilmember informed and keeping the community involved and informed and yeah, they're doing a really good job. So, my question regarding the grants. Okay. So, Fiscal Year '19 was from July 2018 to June 2019, so your report here is saying they're only in quarter one . . .

MR. DEROBLES: They're in quarter two actually. They're --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, they're in quarter one --

MR. DEROBLES: --submitting their reports for quarter one already.

COUNCILMEMBER RAWLINS-FERNANDEZ: --so quarter one . . . first quarter reports and payments or processing first quarter reports and payments.

MR. DEROBLES: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, that is July 2018 till September 2018?

MR. DEROBLES: Yeah, so . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: When is quarter one?

MR. DEROBLES: Well the quarter one's . . . the quarters don't really start the performance period, based on performance periods. So, once we contract with them, once they sign off on the notice to proceed letter that we send off that details how much they get, and they sign off on it. The funds are then encumbered and then that's when the performance period starts. So, effectively that is the start of the first quarter.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, the assumption that these quarters are three months long is not a correct assumption? It could potentially be a lot shorter, so it could potentially be a month?

MR. DEROBLES: No, actually --

COUNCILMEMBER RAWLINS-FERNANDEZ: And if it's only one, if it's four months?

MR. DEROBLES: --actually they start . . .

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MR. PEARSON: . . . *(inaudible)* . . .

MR. DEROBLES: Right, that's the starting time. So, it's not that it's any shorter, it's just the starting times could be different.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, maybe in the future if we could have a spreadsheet that reports to us when their project period starts so that we have better understanding of when their first quarter, you know, starts and ends. Because right now I think this is not enough information. And it's just friendly critique. I understand that Eva's not here and I'm not sure if you guys are short staffed. But in the future if we do this again for second quarter or third quarter --

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --reporting to the Council, I think that's the kind of detail that we would like to see and organized in that manner. How much was appropriated or allocated, how much was spent thus far, and what benchmarks or what did the organization achieve in that quarter.

CHAIR LEE: Mr. Pearson, and then, Robert, if you want.

MR. PEARSON: Thank you, Chair. What you're describing is actually one of the reasons that the Fiscal '19 contracts were delayed. There was some, let's just say not total control of each watershed partnership. And, Robert, I think he lost a little hair in this one, trying to get these contracts to be more clear, more well defined and more easy to analyze when these quarter results come in from the . . . when the requests for payments come in, that he can evaluate what they're requesting for and move quickly to reimburse them or to pay them. And because he had a big struggle, actually, you know, I came in kind of late of course, because I didn't get here till January. But all the watershed partnerships they were a little bit excited because there's all this control now and they came forward and dragged me to this meeting and because of all this . . . these issues it was a little bit of pain to them, but it's going to make us answer your question better. But what happened is it delayed the Fiscal '19 till right near the end of the fiscal year to get these contracts. Fiscal '20 now is different because now everything is set up, everybody understands the requirements, and they're already moving through. So Fiscal '19 contracts are moving through now, I think they might . . . I don't know if they're all through but they're close. That's complete contrast to the previous fiscal year.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, for that explanation. So, I want to make sure I'm understanding this correctly. So, the 11 organizations that received grants from the Water Department, the process is that they would spend the money upfront and be reimbursed with receipts and invoices that are provided to the Department?

MR. DEROBLES: Correct. So . . . yeah.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so for Fiscal Year '19, have these organizations spent that money for that year?

MR. DEROBLES: For FY '19?

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MR. DEROBLES: Yes. No, not yet. They're just encumbered, so first quarter has been . . . we're already in the process of paying them for first quarter. So, what ends up happening is that when they send in their invoicing or they send in the forms and updates and a report, so it has to be . . . their invoicing has to be accompanied by a report, a quarterly report.

UNIDENTIFIED SPEAKER: Right.

MR. DEROBLES: That tells us if they actually completed everything. And that, you know, it's okay to reimburse them because we also have to check the invoicing, make sure they're totaled properly and that the . . . what they're for.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, on average what month and year did most of these organizations quarter one start?

MR. DEROBLES: Well, I think we should be at least . . . we're really behind actually to be honest with you with the --

COUNCILMEMBER RAWLINS-FERNANDEZ: How behind? What month?

MR. DEROBLES: --contracts. I think we're likely . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Please give me a month.

MR. DEROBLES: So, eight months from now. I mean we're like eight months behind. I hate to say a specific date, but we are somewhat behind when it comes to contracting out the . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: So, their quarter has started later.

MR. DEROBLES: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, what happens in that . . . in the eight months that there was a lag? Did those projects just not happen?

MR. DEROBLES: Oh, no, no, no. We're not the only source of funding that the grantees get. They keep on going as much as they can, and we work with them closely to make sure that they're just not out on a lurch trying to figure out what they're going to do with

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their projects. Because we're also a year, a year and a half in advance when we're granting funds.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. DEROBLES: So, like right now we're looking at FY '21 already, we just evaluated FY '21 and we're contracting FY '20 while we're still in FY '19.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, so . . . sorry, Chair, I'm just struggling to figure out this --

MR. DEROBLES: Yeah, it is complicated. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: --understand this process. And I really like the direction of being more streamlined and organized with a lot more structure, I like that. So, but for Fiscal Year '19, some of their first quarters started in February of 2019?

MR. DEROBLES: Yes. So, they started, I think it was actually late . . . yeah February, around February. I don't have the dates with me --

COUNCILMEMBER RAWLINS-FERNANDEZ: And so --

MR. DEROBLES: --an exact start up.

COUNCILMEMBER RAWLINS-FERNANDEZ: --they would have 12 months from February--

MR. DEROBLES: Yes --

COUNCILMEMBER RAWLINS-FERNANDEZ: --for the fiscal year?

MR. DEROBLES: --12 months. Yes, and in the future we're happy to copy you on the final award notice and when they actually sign off on those award notices.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. DEROBLES: So, then you'll see when they actually started. That's the effective date of the performance period that's starts for 12that goes on for 12 months.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And last question and then I'll yield the floor. Sorry, Members. So, their Fiscal Year '20 funding, they wouldn't start receiving any of that funding until Fiscal Year '19 ends?

MR. DEROBLES: Yes. Because we're only working with FY '20 funds.

COUNCILMEMBER RAWLINS-FERNANDEZ: What?

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MR. DEROBLES: They don't overlap. So FY '19 was from, with FY '19 funding. And we're talking about FY '20 funding. So, yeah, we're working in FY '20 for next FY '20 agreement, if that makes sense. Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, the Fiscal Year '20 funding wouldn't be disbursed until starting next February--

COUNCILMEMBER KAMA: 2021?

MR. DEROBLES: No, no, no.

COUNCILMEMBER RAWLINS-FERNANDEZ: --2020?

MR. DEROBLES: No, so we just . . . I'm sorry if I made . . . okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I'm trying. I'm trying.

MR. DEROBLES: So, we don't normally, we don't send out contracts unless we know the Council has approved our . . . the request. You know, we provide a budget amount that we recommend out of the Council. And then Council has to approve the amounts. So, once we get that then we start processing the grants, so in this case we got the amounts a few . . . a couple months ago.

COUNCILMEMBER KAMA: Yeah.

MR. DEROBLES: Right? So, then we started processing. Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

MR. DEROBLES: Yes, so . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So, would they be receiving reimbursements from Fiscal Year '19 and Fiscal Year '20 --

MR. DEROBLES: Yes --

COUNCILMEMBER RAWLINS-FERNANDEZ: --simultaneously?

MR. DEROBLES: --simultaneously. Because the money for --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

MR. DEROBLES: --FY '19 has already been encumbered.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Alright, that was my question, thank you. Mahalo, Chair.

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MR. DEROBLES: It's complicated so I'm happy to answer.

CHAIR LEE: It's a little confusing --

MR. DEROBLES: Yeah.

CHAIR LEE: --only because you're so far behind in reimbursing the members. I know because I used to do this for eight years, yeah. But we weren't that far behind. Were you shorthanded?

MR. DEROBLES: Well, we . . .

CHAIR LEE: This is highly, actually this is highly unusual for anybody to be eight months behind in executing grants. It's well known that if you get a grant from the County, you're not going to see your first penny for a long time. Yeah? Because even though the fiscal year starts July 1st, it takes at least three to four months to execute a grant. So, you're already starting behind. But to be three or four months behind is kind of the norm, but eight months is highly unusual. So, what we can do the next time since the members are getting an idea of how the process works, the next time we have this we'll invite the grantees themselves and then they can explain and describe exactly what they do. But for now, it's good education for the Members to know how the grant process works and believe me it doesn't work . . . it's not quick and it's not always the Department's fault because there are so many layers that must . . . that an application goes through. Not only the layer of the Department but then it goes to Corp. Counsel, then it has to be reviewed by the Budget Office and often Finance and, you know, on and on and on. So, that is the reason why that it takes so long. Okay. And then I believe Member Kama, and then Ms. Paltin.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Oh, I'm sorry. Were you not done?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR LEE: Oh, you --

COUNCILMEMBER RAWLINS-FERNANDEZ: I just . . .

CHAIR LEE: --you taking layers, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Real quick, real quick. I just . . .

CHAIR LEE: Yeah, you eight months behind. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: I just wanted to clarify what you said.

CHAIR LEE: Okay.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Before we end up like way, way in a different conversation. So, what happened in Fiscal Year '19 is not normal though right? That's not something that we are to become familiar with?

COUNCILMEMBER KAMA: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Fiscal Year '20 --

COUNCILMEMBER KAMA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --will hopefully be what is the preferred method of disbursements and process. Okay. And then the only . . .

MR. PEARSON: Correct. Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, and then the only reason that it is was semi confusing is because Fiscal Year '19 was not normal and there was an eight-month lag. And when I had asked if Fiscal Year '20 wouldn't start until Fiscal Year '19's funding was disbursed, the answer was yes and then followed up by no, they would be simultaneously disbursed.

MR. PEARSON: Correct again.

COUNCILMEMBER KAMA: That's right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

MR. DEROBLES: So, I just wanted to add, FY '19 this started in '17 really. So, you understand it doesn't all happen --

COUNCILMEMBER KAMA: Yes. Yeah.

MR. DEROBLES: --on '19. So, we're trying to catch up and the improvements we've made hopefully will make up at least, you know, a few months.

CHAIR LEE: Before I call on other Members, even though disbursements may be made simultaneously, the disbursements for FY '19 are disbursements for expenses already --

COUNCILMEMBER KAMA: Incurred.

CHAIR LEE: --expended, incurred. So, in other words the FY '19 they're getting reimbursed for something they already paid for. FY '19 is just recent expenditures, yeah. Okay.

COUNCILMEMBER KAMA: Yeah, I got that.

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CHAIR LEE: You got that?

COUNCILMEMBER KAMA: I got it.

CHAIR LEE: Alright.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Okay, you don't--

COUNCILMEMBER KAMA: I just wanted to . . . I just . . . no --

CHAIR LEE: --have any questions then?

COUNCILMEMBER KAMA: --but I just wanted to ask what Councilmember Rawlins-Fernandez was asking for especially, what I'd like to have attach to that is a summary. I want to see a summary of, because all that information is helpful but if I don't know where we're at then it's not helpful at all.

CHAIR LEE: Okay, Robert, you're taking all of this down?

MR. DEROBLES: Yes, Chair.

CHAIR LEE: For the next meeting, okay?

MR. DEROBLES: Yes, Chair.

CHAIR LEE: Alright. Thank you, Ms. Kama. Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. Good discussion. I just had couple questions on this presentation. On Page 8 when you talk about number two and five, transportation costs and travel costs. Is travel costs like for humans and transportation costs for equipment?

MR. DEROBLES: So, transportation costs could be all the activities related to activities in their project area. So, that could be, you know, moving staff up and down the mountain, it could be outreach events. It could be a number of things, transporting equipment and supplies with their vehicles. And, yeah that's pretty much it.

VICE-CHAIR PALTIN: So, what's . . . travel costs is . . . what is the difference?

MR. DEROBLES: Yeah, okay. So, travel costs is like when they do conferences and, you know, workshops. So, some of their staff do take workshops and continuing education courses. Some of them require additional time to . . . for, what do you call it . . .

MR. PEARSON: . . . *(inaudible)* . . .

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VICE-CHAIR PALTIN: Like airfare and lodging?

MR. DEROBLES: Yeah for recertification and things like that. Yeah.

VICE-CHAIR PALTIN: Okay, and then I guess I had two more questions. Like the part that Member Rawlins-Fernandez was saying about like if it started, if the funding or the quarter started in February 2019 and then it runs a full 12 months. Isn't it always going to be staggered like that, did you want to get everybody on the same start date so would it all be February or?

MR. DEROBLES: Well, that's our goal but sometimes it gets routed in different times, in different . . . with the different administrators. UH has their process, just as probably as long as ours sometimes. So, it could be different for everybody. Some of the non-profits that are private may be a little bit faster.

VICE-CHAIR PALTIN: And then on Page 12, is, by the top photo are you meaning the one on the left and the bottom photo is the one on the right?

MR. DEROBLES: Oh, sorry. So, I took this directly from West Maui Mountain's proposal. So, I just wanted to give an example of some of the hard work that they do and kind of the long-term work that they do to accomplish such things. So, yeah. It's just after and before really. If you look on the right is the after picture, I mean the before picture. And the picture on the left is what happened after they went in there and controlled the invasive and . . .

VICE-CHAIR PALTIN: Oh. So, 20 . . . the right is 2015 and the left is 2018.

MR. DEROBLES: Right. Yeah, I think that was a mistake.

VICE-CHAIR PALTIN: Oh, okay. I was like whoa.

MR. DEROBLES: I was going to change that, but I figured you guys . . . it wasn't, I guess it wasn't as intuitive as I thought. But yeah, that's the work that they're doing. I wanted to give that example because they do great work up there.

VICE-CHAIR PALTIN: Yeah. Yeah. I was like which . . . what are we paying for?

MR. DEROBLES: As you can see on the right there the fire hazards that could be caused by it. But then if you look on the left, you know, it's far less prone to fire.

VICE-CHAIR PALTIN: Thank you.

MR. DEROBLES: Yeah.

CHAIR LEE: Mr. Sinenci?

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COUNCILMEMBER SINENCI: Thank you, Chair. It's just a couple more questions. On slide seven you mentioned community outreach as one of the benchmark deliverables. And I ask about . . . especially for, I'm asking for East Maui Watershed particularly because I get that UH gets to take some of their students up into East Maui Watershed mountains or bringing in hunters. And a lot of the times the actual residents of Hana don't get to even, you know, to get into our own mountain ranges. So, as far as community outreach I would love to see that more of our students in East Maui get to go up and do some of these controls and replanting within their own district. And we also have our own hunters who've been hunting there for generations, so if you're bringing in other hunters into our district then that could potentially, you know, we . . . it's . . . we sustain ourselves from, you know, going hunting as well. So, if you're taking out food from, by bringing in other hunters and outside of our district and that can affect our community. So, I was just asking that community outreach also include the people of East Maui. That has just been some of the concerns in the last couple years. And then my second question was, is there a cultural aspect of the grants program process where . . . again, some of our practitioners find areas up in the mountains as special, as places we're there's only specific ferns that they collect. And so, for us many of our culture practitioners have taken on this responsibility on their own and they've again for generations they've returned to the same site to gather. So, when we're not having those cultural practitioners going up into there and just having outsiders so to speak come in and conduct these things. I think having those partnerships with the local residents for us would be most opportune. And again I'm just repeating what some of the responses from my community has been for the last couple years. So, if we could work on those community outreach things and cultural aspects that would be . . . we look forward to working in partnership with Department of Water Supply. Thank you.

MR. DEROBLES: Thank you for the question, Councilman. Those are good questions actually; those are discussions that we have all the time with the partners. From as far as I know there's never been an issue to invite cultural practitioners up to the mountain. But there are . . . and this includes hunters and local schools and students as well, there are strict rules and guidelines for insurance purposes really. That . . . I don't know what UH's details are concerning outreach and bringing volunteers up there, but they also have to worry about the liability. But we could follow up on that and see and find out what is the current BMP for that right now. But they do . . . a lot of the work being done in the watershed, not just East Maui, has a lot to do with volunteerism and making sure that the public understands what they're doing up there and bringing kids up. There's plenty of watershed partners that bring kids up, hundreds a year. Yeah, so for example in just first quarter we had seven volunteer trips with 135 participants, and this is the first quarter of FY '19. And a lot of the volunteer trips also includes plantings and, you know, just educational work.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair.

CHAIR LEE: Further questions? I know we're going to have a lot of questions when you bring the grantees here because, you know, it's important that we know exactly what

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they're doing, where they're doing it, who's doing it. And if we can add to their . . . encompass some of the suggestions made by the members with their organizations. So, today we were supposed to cover process and are there any further questions? Yes, Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, when does the Department anticipate closing out Fiscal Year '19 grants?

MR. DEROBLES: So, we're talking about three more quarters, so nine maybe eight months from now, seven months from now.

COUNCILMEMBER RAWLINS-FERNANDEZ: If the money was already encumbered for Fiscal Year '19 then why would we need to wait another eight months? Wouldn't that money have already been spent?

MR. DEROBLES: Well, we can't reimburse grantees with the . . . we can't reimburse them if they haven't done the work. So, they have to go through the complete quarter, provide a report and say we completed this work and now we need to be paid. So, that's when they give us a report and the expenses, so actual expenses.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, even if they were doing the work before February that wouldn't count because the contract wasn't executed until February 2019?

MR. DEROBLES: That is right. So, that's . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, you're going to give them a full year --

MR. DEROBLES: Correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: --to expend all those funds?

MR. DEROBLES: Right. They have the monies available, but they just have to show that they've actually done the work. They can't provide us invoices for work outside of the performance period before or after.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And so, when can this Committee anticipate a quarter two update?

MR. PEARSON: Chair?

CHAIR LEE: Yes?

MR. PEARSON: Actually we're sitting down after this meeting to discuss scheduling with Chair and this among other things will be brought up and then we can work with Water Supply and our division to bring forth some other schedules and some other dates to bring back this issue to the Committee.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Great. So, you know the Department of Housing and Human Concerns also did an update on their grants. And they evaluate their grantees, is that something that your Department is planning to do as well?

MR. DEROBLES: We have a Watershed Analysis Committee every year when we . . . and yes, so when we, before we make a decision on how much we believe should be appropriated for each applicant, we have a Watershed Committee that decides and analyzes each proposal.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, no. I'm not talking about like the initial determination of awarding the grant. I'm talking about performance evaluation throughout the grant . . . the project period.

MR. DEROBLES: Right. So, our benchmarking here looks at all of these standards every time they submit a report. Okay? Or if we hear about a concern or an issue that comes up, we always remain fluid and evaluate all these things. Because storms happen, certain unexpected events may occur that we have to revisit each project as, on a need-to-know basis and evaluate it. But really, we rely on just open doors of communication and following up on reports that they provide for us each quarter to let us know where they're at.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So if there is a situation where the area that they had proposed to do the project is unsafe for, you know, weather reasons or the amount of money that they had anticipated spending in an area that is not accessible because of natural causes, what happens to the funding for that project?

MR. DEROBLES: Well, if they don't finish, they have an opportunity to do a no-cost extension for an additional three months. But that's really not to spend down on any more money. So, they can go down to the last wire but the additional, you know, three months that they get is just to make sure that they get all their accounting reconciled and ready to go. But to answer that question about storms and weather-related activities, usually when storms occur, they'll go gangbusters. When the weather is good, they'll go out and they'll try to make up and shore up the same amount because they'll get . . . they're getting paid the same, right, the staff is getting paid the same no matter, you know, when they do it. So, they just let us know when that occurs if a storm happens, they'll let us know, "Well, we went next month when the weather was better, we went up." And sometimes they're working overtime to get that deliverable done.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo. So, for the reporting requirements and it says evaluation criteria, does that happen in the beginning and end only or does it happen throughout as well?

MR. DEROBLES: It happens throughout the . . . we hold every . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Each quarter?

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MR. DEROBLES: Yes. We hold everybody . . . we evaluate each grantee continuously. Continuously.

COUNCILMEMBER RAWLINS-FERNANDEZ: Continuously as in each quarter?

MR. DEROBLES: Yes, each quarter.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, after the report is submitted then you use the evaluation criteria?

MR. DEROBLES: No, the evaluation criteria really is for something . . . the standards we look for in the proposals. But then we always make sure that they uphold those standards and in throughout the entire year. So, the selection process we grade based on these evaluation criteria.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So, throughout how are you evaluating them, the organizations?

MR. DEROBLES: So, these . . . so we based it on their performance, pretty much. The reports, we look into what they've done. We have an opportunity to go out into the field and actually, you know, see how they've been doing. But we have a very good communication with the partners and a friendly communication and we're very clear and honest about what we're doing. So, if we ever have any questions about any of these issues, I'll probably be on the phone asking "Hey, what's going on?" Eva may call them or you know . . . and we try to figure out where they're at if there's not enough detail in the reports.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So, after the report is received is there some kind of measurement that they're scored against? Like how you do when you initially receive their submittal.

MR. DEROBLES: It's more qualitative and when they submit, I'll show you if you go to the back, I think I gave you guys that. So, these are the --

COUNCILMEMBER RAWLINS-FERNANDEZ: We didn't receive all those slides.

MR. DEROBLES: --forms. You see this, this is --

COUNCILMEMBER RAWLINS-FERNANDEZ: We don't have those slides.

MR. DEROBLES: --the form, on one of the advance . . . the changes we've made in the proposal is to let us know how they're doing every quarter based on what they submitted what they're going to do for the entire year. So, this is Form C deliverables reporting form. So, they tell us this is how much we're going to be . . . or this is how much we're going to be working under ungulate control, weed control, invasive plants control, resource monitoring. All those criteria's that we have that we're looking at,

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they detail it here and so it goes from left to right first quarter to the fourth quarter. We'll be monitoring what they're doing, and this is . . . and this would be an extract, really the numbers pulled out of their proposals, I mean their reports, quarterly reports.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, this is a form that the Department fills out?

MR. DEROBLES: No. This is a form that they fill out.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So how does the Department score their performance?

MR. DEROBLES: Well, it's not . . . we don't score them after the fact. We make sure that they're doing . . . completing their deliverables, and that these forms and what they put in matches what they're asking for. And matches what the terms of the agreements are.

COUNCILMEMBER RAWLINS-FERNANDEZ: I guess I don't understand why you wouldn't just have like a scoring system that says they are meeting their goals and benchmarks and . . .

MR. DEROBLES: Well, because when they request for funding every year, they have a proposal and we evaluate those. Is it realistic, is it doable? So, we basically already evaluate them in the beginning and if they don't do their work, they won't submit payment for that work unless they can show and justify they've done the work. So, it's really after the fact. Next year, as in next fiscal year comes around, we may remember if they didn't finish everything and that maybe they may have asked for too much or too little and we will consider that and score them accordingly for the next proposal.

COUNCILMEMBER RAWLINS-FERNANDEZ: Well, I guess it would make sense for both the Department and the grantees to have that kind of a performance evaluation score sheet throughout each quarter so both the Department and the grantees are on the same page as far as, you know, both parties understanding that the goals and objectives are being met. And it won't come to either party as a surprise in the next fiscal year whether they get the same amount of money or less or no money at all because they're not actually achieving their goals.

MR. DEROBLES: Yeah. So, it's a performance measure thing. Again, the forms they fill it out, if they haven't done something, it'll show on the forms here the percentage of each deliverable. So, this is actually very detailed, but we have to have something to base our analysis. That's why we have to use these and if there's an issue with any deliverable, because this is just the deliverables form, there's also forms for each category. Right? So, as they spend down, we'll look and see what they're spending down and if they're actually are consistent with their proposal.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Did you send us this presentation because the --

MR. DEROBLES: No.

COUNCILMEMBER RAWLINS-FERNANDEZ: --hard copy that we have we don't have that.

MR. DEROBLES: This was mine here, I didn't want to include it, but I'll provide it to you guys if you'll like. It is also on our website so it's . . . I'm happy to provide you these forms.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Thank you. Mahalo, Chair.

MR. PEARSON: Chair?

CHAIR LEE: Okay. Quickly, Jeff, because we have --

MR. PEARSON: I'll be real quick.

CHAIR LEE: --two Councilmembers dying to ask questions.

MR. PEARSON: Yeah, I'll be real quick. I think to try to paraphrase and it might not meet what your considering, as far as performance measures, but what he was . . . I think he's trying to say is when they submit this if they have 50 percent complete as opposed to the 100 percent that they're supposed to complete that that would show their performance measure because they didn't perform as they proposed in the contract and it's shown on these forms. But we can . . . I get your point in performance measures are important and we'll look into better detail of that.

CHAIR LEE: Ms. Kama and then Ms. Molina . . . I mean . . .

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Okay. Because this is self-reporting --

CHAIR LEE: I'm jumping the gun.

COUNCILMEMBER RAWLINS-FERNANDEZ: --this is not the Departments scoring, it's only self-reporting, so it's based on the honor system, right? Okay. Mahalo, Chair. Sorry.

CHAIR LEE: No, no. Ms. Kama?

COUNCILMEMBER KAMA: Thank you. So, you know the request that came from Vice-Chair Rawlins-Fernandez, how soon is that going to be available? That's my first question.

CHAIR LEE: Which request?

COUNCILMEMBER KAMA: You forgot already?

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CHAIR LEE: I mean I heard about 50 already requests.

COUNCILMEMBER KAMA: No. She just made one. She just made one and I just put an addendum on that to be able to --

CHAIR LEE: Oh, okay.

COUNCILMEMBER KAMA: --get a summary of all of the grantees and what they do and when their grants started and what the costs was that they actually got.

CHAIR LEE: Wait, Robert, are you writing this down, Robert?

MR. DEROBLES: Yes, Chair, I am.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: Yeah, so I just . . .

CHAIR LEE: Tell him. Tell him.

COUNCILMEMBER KAMA: Okay. So, when will this be available?

MR. DEROBLES: We can give it to you in about a week.

COUNCILMEMBER KAMA: Okay. That's perfect. And then the second thing I wanted to ask was, I think what I was looking for in the same way that Vice-Chair was asking was I was looking for a report card of some sort that tells us these guys are really great at what they do, or these guys suck therefore don't fund them kind of thing. That's what I was looking for and I think she was trying to get to that place. I just want a report card that says A, B, C, D, or F. Thank you, Chair.

CHAIR LEE: Yes. But keep in mind as Robert said this is all on the honor system now, okay? Mr. Molina, I'm sorry to have kept you waiting.

COUNCILMEMBER MOLINA: No. No problem. I was . . . I bow to you, Madam Chair. I going to use that . . . the byword for today, dovetail, I'm going to dovetail off of what Member Rawlins-Fernandez had asked. With regards to the accountability on the part of the grantee, one is there mechanisms or process where . . . what happens if, you know, I'm a grantee, I get \$30,000, I don't expend all of that \$30,000, I expend 20 there's 10,000 left over. What happens, one, to those unused funds, and can another grantee who may need more funds then what they originally asked for, is there a process where they could make a request for those unused funds? I mean is there any mechanisms like that?

MR. DEROBLES: I mean in short, not really. I mean the funds are appropriated according, you know, for each proposal.

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COUNCILMEMBER MOLINA: so, it's a use it or lose it kind type of grant?

MR. DEROBLES: Right. Use it or lose it. But it goes back, you know; it goes back we don't lose the money, yeah. But we have a Countywide Watershed Protection Fund for emergencies really, or in this case we have two grantees that are . . . there's no line item for these grantees yet because it's research based. So, we don't if they're going to keep on going, unlike some of the other grantees that have been around for, you know, almost 15 years, 10 years.

COUNCILMEMBER MOLINA: And if the expenditures don't match the objectives then is the grantee told, pay us back?

MR. DEROBLES: No. No. We won't pay, we won't pay them if they get . . .

COUNCILMEMBER MOLINA: Oh, so okay. You hold on to the money, then you . . .

MR. DEROBLES: So, yeah, going back to . . .

COUNCILMEMBER MOLINA: They provide you the receipts and as they go. Okay. Okay.

MR. DEROBLES: Right.

COUNCILMEMBER MOLINA: So, it's not a case where you just cut them a check and then . . .

MR. DEROBLES: No. Never. Never.

COUNCILMEMBER MOLINA: Okay. Okay.

MR. DEROBLES: It's real expenditures.

COUNCILMEMBER MOLINA: Okay. So, a lot of safeguards already built in there, yeah.

MR. DEROBLES: Absolutely.

COUNCILMEMBER MOLINA: To prevent abuse, yeah. Okay. Thank you. Thank you, Madam Chair.

CHAIR LEE: Ms. Paltin?

VICE-CHAIR PALTIN: Thank you, Chair. I just wanted to clarify based on like the direction the conversation is going. In this field of watershed protection, it's not like we have a lot of options, it's not a competitive type of thing. We have one operator working in West Maui Puu Kukui, we have one operator working in East Maui Watershed Preserve. If they don't meet the deliverables that they said that they would meet, we don't have any recourse of some other entity or the County itself going out and protecting the watershed and planting things. So, it's really the people that do this

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kind of work, and for me it's Puu Kukui and they do an excellent job. They do it for the passion and to protect our resources, it's not the type of thing like, say you know, you're competing for research money or things like that. It's if they don't take the money and do the job then we're kind of SOL that nobody's going to step in and do it or we would have to recruit and put out an RFP and then kind of groom a new organization to fulfill this role.

MR. DEROBLES: Well, that's correct for the most part. One thing to note is what they do is really special, not everybody can just go in. They not . . . they have the expertise and they have the education. A lot of them are scientists and they've got an education in the field that they're working in. Also, they have an extensive network of relationships with private landowners and the State that other grant applicants may not have. And that's really key to a successful project, that's why they have MOUs, that's why they have an existing watershed management plan that all their partners have signed into.

VICE-CHAIR PALTIN: And the employees that they hire are doing it at a significantly less cost than say if we were to be using County employees and training them to fulfill that role because they're not having like step movements and fringe benefits and whatnot like how County employment, employees do. So, they're providing this service to the County that we need at a less of a cost than what we could do ourselves?

MR. DEROBLES: I think that . . . yes. I mean . . . but it's totally different animals right, we're a utility and this is . . . a lot of these organizations are geared to environmental, you know, conservation. So, I don't know I think how to compare.

VICE-CHAIR PALTIN: To me I would say that's a utility without the watershed.

MR. DEROBLES: Right.

VICE-CHAIR PALTIN: Nothing else is going to happen. So, I mean, I guess it just depends on your point of view.

MR. DEROBLES: Yeah.

CHAIR LEE: Robert, how many people work with you on grants?

MR. DEROBLES: Three, including Eva. I mean we really do our best to maintain what we can. Just the kind of work we do is really detail oriented and we got to really do a lot of work, but . . .

CHAIR LEE: Are you in a division?

MR. DEROBLES: Yes.

CHAIR LEE: Okay. What division?

MR. DEROBLES: Water Resources and Planning. And . . .

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CHAIR LEE: So, while, Eva's is doing the Water Use and Development Plan, you and who else is working on the grants?

MR. DEROBLES: So, we have Edna Manzano, and then we have a new recruit, Sarah Reichert, and me pretty much. So that's one of the main reasons why we wanted to improve the process because it gotten . . . it got to the point where everybody was confused about what was being sent in, there was no standard. And we needed to set a standard.

CHAIR LEE: May I suggest that you meet with the Grants Division in the Department of Housing and Human Concerns --

MR. DEROBLES: We have.

CHAIR LEE: --because . . . well meet again. Because they deal with well over a hundred grants, and they're about maybe four to five people that do the management of those grants. And EOC, you know, Economic, Office of Economic Development, because they do a number of grants as well. And just to see that the three of you are on the same page. Human Concerns has the longest experience, but over time it has become very bureaucratic. So, maybe the three of you can put your heads together and figure out a standardized, simpler way of providing grants to the public because it's almost ridiculous that it takes us three months to give somebody their first check. Yeah? And so, it's really our fault and it's not the fault necessarily of the Department because there are all these other entities, Corp. Counsel, Budget, Finance, and, you know, God knows whoever else that does the review of these grants. So somehow, we're just going to have to make it more efficient and of course more effective too, not just efficient. In the meantime, I hope you can gather all these people together for the next meeting. Any Members who have questions please give them to me and then I'll give them all to Robert. I have about ten of my own that I didn't ask you today. So that, so now you know where we're coming from, what direction we're heading in. And so, hopefully in that light you will prepare for the next meeting, and also prepare the people that . . . the grantees, yeah. And tell them stick to the subject, yeah, don't tell us about, you know, extraneous things. Well, because we want to cover as much ground as possible and the way to do that is when everybody is organized in their presentations. Are there any final questions? If not, if there are no objections, the Chair would like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: RH)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR LEE: Thank you, everybody. And thank you, Robert and Jeff.

MR. DEROBLES: Thank you.

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CHAIR LEE: Meeting adjourned. . . .*(gavel)*. . .

ADJOURN: 2:56 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "Alice L. Lee", written over a horizontal line.

ALICE L. LEE, Chair

Water and Infrastructure Committee

wai:min:191104:aj

Transcribed by: Ashley Joan

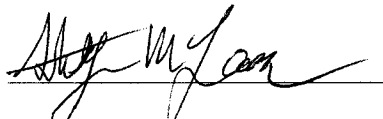
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CERTIFICATE

I, Ashley Joan, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 18th day of November, 2019, in Pukalani, Hawaii


Ashley Joan